

# HOUSE BILL REPORT

## HB 3260

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to boundary review board disbandings.

**Brief Description:** Addressing boundary review board disbandings.

**Sponsors:** Representative Moeller.

**Brief History:**

**Committee Activity:**

Local Government: 2/1/06, 2/2/06 [DPS].

**Brief Summary of Substitute Bill**

- Requires county actions proposing the disbanding of a Boundary Review Board to be approved by voters.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Simpson, Chair; Clibborn, Vice Chair; B. Sullivan and Takko.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member and Woods.

**Staff:** Stephanie Toby (786-7106).

**Background:**

Boundary Review Boards (BRBs) were created by the Legislature in 1967, and are authorized by statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of BRBs in counties with at least 210,000 residents, current law provides that a BRB may be created and established in any other county.

The Growth Management Act (Act) establishes a comprehensive land use planning framework for county and city governments in Washington and specifies numerous provisions for jurisdictions fully planning under the Act. Under the Act, planning jurisdictions must encourage public participation in the planning process. The Act explicitly requires that each participating county and city give public notice of the procedures that provide for public

participation. When a county and the cities and towns within the county have adopted comprehensive plans as required by the Act, the county may disband its BRB.

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**Summary of Substitute Bill:**

Those counties that are not required by law to establish BRBs may disband BRBs as allowed in current statute. Counties that are required by law to establish a BRB must first hold a public hearing on disbanding the BRB and must receive written agreement calling for the disbanding from at least 60 percent of the cities and towns within the county representing at least 75 percent of the incorporated population within the county. After a county authorizes a BRB's disbanding, the BRB may not accept additional requests for new reviews of proposed actions, but must complete all pending actions before the BRB prior to disbanding.

**Substitute Bill Compared to Original Bill:**

The substitute bill removes the following provisions:

- the requirement that counties seeking to disband their BRB propose the disbanding to the voters by ballot measure and receive two-thirds approval;
- the termination date for a disbanded BRB;
- the provision stating the act applies to any BRB in existence on or after January 1, 2006; and
- the emergency clause.

Counties with a population of under 210,000 residents may disband BRBs allowed in current statute. Counties with a population of 210,000 residents or more, which are required by law to establish BRBs, must: (a) hold a public hearing on disbanding the BRB; and (b) receive written agreement calling for the disbanding from at least 60 percent of the cities and towns within the county representing at least 75 percent of the incorporated population within the county.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill is in response to actions of Clark County Commissioners who arbitrarily disbanded the boundary review board (BRB) because they were unsure what the results of the citizens' panel would be in a decision to expand the proposed annexation. The issue of annexation was before the BRB, but the hearings had not yet begun.

The BRBs don't automatically get involved. They only do so if their jurisdiction is requested. The BRB in Clark County was eliminated without a public process, and this was a bad idea. There should be some level of concurrence with cities to disband a BRB. The BRBs deal with a

host of interests, including cities, and those interests should have a say regarding disbanding as it is such an important decision. Counties are able to act unilaterally and this needs to be revisited.

**Testimony Against:** The objection to the bill is that it is retroactive and undoes a lawful action. The BRB took a lawful action under the rules of that time. They took the action that they did because they were following lessons learned from the first annexation.

**Persons Testifying:** (In support) Representative Moeller, prime sponsor; Dave Williams, Association of Washington Cities; and Mark Brown, City of Vancouver.

(Opposed) Marc Bolt, Clark County Commissioner; and Sharon Wylie, Clark County.

**Persons Signed In To Testify But Not Testifying:** None.